IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.5523 of 2007
[M/s. Prashanti Agencies & another Vs. Smt. Leelawati D. Sinha]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. P.N. Kothari, Advocate for the petitioners.

CORAM : A.H. JOSHI, J.

DATE : 28th November,2007.

1. Heard.

2. The Petitioners are challenging the concurrent finding of fact and the decree of eviction.

3. The landlord had filed a petition for eviction on the ground of bona fide personal requirement.

4. Admittedly, the premises are occupied for commercial use and Section 24 [1] of the Maharashtra Rent Control Act, 1999, which applies to residential premises, has no application to the instant case.

5. In the circumstances, the petition does

not merit interference, as the finding of fact in relation to bona fide personal requirement is not shown to be perverse.

6. The petition is, therefore, dismissed.

7. At this stage, learned Advocate for the petitioners prays for time till 31st March, 2008 to vacate the premises.

8. Time is granted subject to filing of an Undertaking as below:-

[a] entire arrears of rent are paid and future monthly payment shall be done punctually on or before 10th day of every month;

[b] tenants-petitioners are in possession of suit property;

[c] they shall not induct anybody, or otherwise part with the possession, save and except in favour of landlord the plaintiff, and

[d] they shall deliver the possession of suit property peacefully, without grudge or demur, on or before 31st March, 2008, and

without requiring the landlord to pursue the application for execution which is already filed.

9. The Undertaking be filed within ten days from today.

10. If undertaking is filed, the decree of eviction shall remain in abeyance in terms of this order.

11. If Undertaking is not filed in this Court, the decree of eviction shall be executable at once.

12. Appropriate Writ of direction be issued after ten days, or soon after the undertaking is filed.

Judge

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